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# Report of the Working Group on the Universal Periodic Review*

## Denmark

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

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# The Kingdom of Denmark's response to the recommendations set out by the UN Human Rights Council in the Universal Periodic Review on 21 January 2016

**120.3, 120.4, 120.11, 120.12, 120.13, 120.14, 120.37, 120.56, 120.57, 120.59, 120.61, 120.62, 120.63, 120.69, 120.70, 120.71, 120.72, 120.73, 120.74, 120.77, 120.79, 120.80, 120.81, 120.82, 120.83, 120.84, 120.86, 120.87, 120.88, 120.89, 120.90, 120.91, 120.92, 120.93, 120.94, 120.95, 120.96, 120.97, 120.98, 120.100, 120.104, 120.105, 120.106, 120.107, 120.108, 120.109, 120.110, 120.112, 120.114, 120.115, 120.116, 120.117, 120.119, 120.122, 120.123, 120.127, 120.138, 120.140, 120.143, 120.146, 120.147, 120.148, 120.149, 120.150, 120.151, 120.153, 120.154, 120.155, 120.156, 120.157, 120.158, 120.160, 120.163, 120.164, 120.167, 120.168, 120.169, 120.171, 120.172, 120.173, 120.177, 120.178, 120.180, 120.182, 120.183, 120.184, 120.189, 120.193, 120.194, 120.195, 120.198, 120.199**

Accepted.

**120.1, 120.2**

Noted. Denmark is a party to the Covenant itself and to six individual communications procedures in the UN system. DK finds that many social and economic rights entail important macro-economic choices, which DK believes are better decided upon in a parliamentarian setting – rather than in an expert committee in the isolated context of an individual complaint.

**120.5–120.10**

Noted. Denmark has ratified all ILO core conventions on worker's rights, which also apply to foreign nationals legally residing in Denmark. It is a fundamental problem that the Convention on Migrant Workers does not consistently distinguish between legally residing and illegally staying workers. Granting social rights to irregular migrant workers is not an option as it would undermine the welfare State and encourage more illegal migration.

**120.15, 120.20**

Accepted in part. The part concerning the ICPPED: The ICPPED will be ratified when the necessary legislative amendments have been passed.

The part concerning incorporation of ICCPR, ICESCR, CAT, ICERD, CRC and CEDAW: Denmark finds that incorporation might entail moving the responsibility for compliance with our international obligations from the Parliament to the courts. Denmark finds that it is important that this responsibility remains with the elected representatives. All the treaties are relevant sources of law in Denmark. Although not incorporated into Danish law, the treaties can be and are indeed invoked before and applied by the Danish courts and other national authorities.

**120.16, 120.17**

Noted. Thorough tripartite consultations have been carried out on the subject of a possible Danish ratification of the Domestic Workers Convention. On this basis it is the Government's assessment that Denmark to a large extent already meets the requirements in the Convention. However, it is also the assessment that a Danish ratification would require legislative measures that would have unintended implications on the Danish collective agreements that already ensure decent work conditions for domestic workers.

**120.18, 120.19**

Noted. Denmark finds that accession to Protocol No. 12 might entail a risk of a shift in the powers conferred upon the legislature to decide, what could serve as a legitimate basis for differential treatment, to the courts and – as a last resort – the European Court of Human Rights.

**120.21, 120.22**

Accepted in part. In 1992, Denmark incorporated the European Convention on Human Rights.

As regards UN Human Rights treaties, see response to 120.15.

**120.23, 120.24, 120.29**

Accepted. Denmark considers that the Danish Criminal Code is in line with CERD.

**120.25, 120.26, 120.64, 120.66, 120.67, 120.68, 120.76**

Accepted in principle. Denmark attaches great importance to combatting discrimination. All citizens are equal before the law, and public authorities must not discriminate citizens on any ground. Danish law also contains a number of acts on non-discrimination. As regards discrimination based on disability, the Government is currently considering adequate measures. Also, the Board of Equal Treatment is considering complaints of discrimination on a number of grounds. The Board may award compensation and invalidate dismissals.

**120.27, 120.28**

Accepted in part. According to the Constitution, persons who have been declared legally incapacitated do not have the right to vote and to stand as candidates in Parliamentary elections and are precluded from voting in referendums. There are no constitutional restrictions on the right to vote and to stand as candidates for such persons in relation to local, regional and European Parliament elections, but presently such restrictions are imposed by law. In February 2016, the Government introduced a bill to the Parliament revoking these restrictions.

**120.30**

Noted. Under Danish law it is possible to disband organisations whose purpose it is to promote racial discrimination or hate speech.

**120.34**

Noted. The regulatory framework in place is adequate, sufficient and in accordance with Denmark's international obligations.

**120.35**

Noted. The Standing Committee on Criminal Law has been asked to assess whether there is a need to amend provisions on the right to privacy and defamation. The Government will await the assessment before making a final decision in this matter.

**120.36**

Accepted. See response to 120.25. Discrimination on the grounds of ethnicity and gender is explicitly prohibited by law.

**120.38**

Noted. Denmark finds that the bill respects Denmark's international human rights obligations, an opinion shared by Denmark's National Human Rights Institution.

**120.39**

Noted. Denmark finds that the current rules are in accordance with Denmark's international obligations.

**120.40**

Accepted. Currently, Denmark has not planned a counter-terrorism legislation review. Any necessary amendments will be in full compliance with Denmark's human rights obligations.

**120.42–120.45**

Noted. The current mandate of the Ombudsman's Special Office for Children is considered fully adequate, and free counselling and advisory service and free legal assistance is ensured to children in the social system already.

**120.46, 120.47**

Noted. An inter-ministerial committee on a regular basis reviews national and international recommendations to Denmark, and a number of thematic action plans are already in force. Denmark considers that a national action plan would not add value to the current situation.

**120.48–120.53, 120.60, 120.75**

Accepted in principle. Denmark has taken and will continuously take a number of measures to prevent discrimination, intolerance and racism, and to preserve freedom of belief and to promote intercultural dialogue. Minority groups and non-citizens legally residing in Denmark enjoy equal access to, inter alia, employment, education, housing, health services, and to justice.

**120.55**

Accepted. Corporate social responsibility and good corporate behaviour are Danish priorities. The Mediation and Grievance Mechanism for Responsible Business Conduct is an institution which addresses such issues established on the basis of the UN Guiding principles on Business and Human Rights and the OECD guidelines for Multinational Enterprises. Denmark will implement the recommendation according to its national and international obligations.

**120.58**

Accepted. Denmark has a vibrant political debate-culture. In this free debate a large number of highly placed State officials and politicians have taken clear stances against racist and xenophobic political discourse.

**120.65**

Accepted in principle. See response to 120.25. Furthermore, the Criminal Code contains provisions regarding racism.

**120.78**

Noted. The Criminal Code already contains a prohibition against hate-speech, and several steps have been taken to effectively investigate and prosecute such cases. Denmark does not accept the premise that there is a need to fight hate speech in State institutions.

**120.85**

Noted. See response to 120.78. Denmark will continue to take a number of measures to promote inter-religious and inter-cultural dialogue in society. Denmark does not accept the premise that there is widespread hate-speech regarding Muslims in the political debate.

**120.99**

Accepted. Denmark does not accept the premise that there is ethnic segregation in Danish schools.

**120.101**

Accepted in part. The first part is accepted: LGBT persons have equal access to public health. The second part is noted: Denmark finds that the legislation on gender reassignment contains relevant safeguards.

**120.102**

Noted. Associations can only be dissolved, if the conditions in Section 78 of the Danish Constitution are met. See response to 120.30.

**120.103**

Noted. See response to 120.48. Denmark does not accept the premise of "rampant hate speech" in the social media.

**120.113**

Accepted. The Danish Independent Police Complaints Authority was established in 2012.

**120.120**

Accepted in principle. Denmark finds its legislation in accordance with Denmark's international obligations and will consider all treaty body recommendations on this matter.

**120.121**

Noted. Denmark finds the existing mechanisms for the assistance of victims of trafficking fully adequate.

**120.124**

Accepted. Denmark considers that adequate legislation is in place.

**120.125**

Accepted. Temporary residence permits may be issued to foreign nationals, whose presence in Denmark is required for the purpose of investigation or prosecution. Victims of trafficking may – as all other foreign nationals staying in Denmark – apply for asylum or a residence permit on other grounds.

**120.126**

Accepted. An inter-ministerial working group published a report on the alleged CIA rendition flights in 2008, and the Danish Institute for International Studies carried out an investigation in 2012.

**120.128**

Accepted in principle. Denmark is planning to carry out a reform on youth crime. If reformed, the age of criminal responsibility will remain in line with international standards.

**120.129, 120.132, 120.133**

Accepted in part. The conditions for the use of solitary confinement of persons under 18 are very strict and the possibility of such confinement is only used in exceptional cases. Persons under 18 are only placed outside juvenile departments if it is assessed to be for the benefit of the individual.

**120.130**

Noted. No admission, examination, treatment or care can be initiated or continued without informed consent of the patient, unless otherwise provided for by the Psychiatric Act. Compulsory treatment is only permissible, if a patient is insane or in a condition similar to insanity.

**120.131**

Accepted. The Danish Administration of Justice Act already contains alternative measures to pre-trial detention.

**120.134, 120.135**

Noted. See response to 120.129. Denmark does not plan to introduce an absolute ban on solitary confinement of persons under 18.

**120.136**

Accepted in part. See response to 120.129 and to 120.134.

**120.137, 120.139**

Accepted. Danish legislation promotes and protects family life. Denmark leaves it to the citizens to decide how to organize their family life.

**120.141**

Noted. The question is currently subject to further consideration in Denmark.

**120.144**

Noted. Denmark does not plan to enact new legislation on this matter. The Criminal Code may possibly, depending on the circumstances, be applicable e.g. in case of the public burning of religious books such as the Bible or the Quran.

**120.145**

Accepted. No Danish legislation discriminates on the basis of religion. Furthermore, minority groups and non-citizens legally residing in Denmark enjoy equal access to, inter alia, employment, education, housing, health services, and to justice.

**120.152**

Accepted in part. The first part is accepted: Hate-speech is a criminal act. As to the second part Denmark would like to give the following clarification: Denmark has taken several steps to increase participation of ethnic minorities in social and political areas. In Denmark, anyone with franchise for national elections has the same rights and opportunities to vote and stand for elections and to join politics. Foreigners can vote and stand as candidates on an equal footing with Danish nationals at local elections, when they have resided in Denmark (the realm) for three years.

**120.161**

Accepted (Denmark understands the recommendation of Djibouti as delivered in French during the review and subsequently distributed in writting as: "Concernant l'assistance pour les réfugiés, les immigrés, et les groupes minoritaires devant les tribunaux, nous recommandons au Danemark de prendre des mesures efficaces pour remédier la qualité inégale des langues minoritaires."). A committee established to secure higher quality of interpretation resources is looking into determining and improving interpreter skills and expects to put recommendations forward mid-2016.

**120.165**

Accepted. The program continues until mid-2016, where the Government will consider continuation in light of results.

**120.170**

Noted. Unaccompanied minors are accommodated in special children's centres staffed 24 hours a day by professional personnel. If an unaccompanied minor is discovered missing, the police issue a nationwide warrant and the local authority, and the child's personal representative are informed. Denmark does not accept the premise that the current security is insufficient.

**120.174**

Noted. Denmark considers its legislation in full conformity with Denmark's international obligations.

**120.175**

Noted. The Danish Immigration Service is responsible for providing for asylum-seekers which includes accommodation, necessary social measures, access to necessary medical treatment etc. Denmark does not accept the premise that the practices related to the care of asylum seekers need improvement.

**120.176**

Noted. Denmark considers that the current Danish Aliens Act is non-discriminatory and in accordance with Denmark's international obligations.

**120.179**

Accepted in part. As a main rule, asylum seeking minors and minors with illegal stay cannot be detained. In special cases, detention may however be necessary in order to ensure, inter alia, their return. Asylum-seeking children are subject to compulsory school attendance. All migrant children residing legally in Denmark enjoy equal access to education.

**120.181**

Noted. Denmark considers that refugees and asylum seekers in Denmark are adequately protected and that this protection is in accordance with Denmark's international obligations.

**120.185, 120.188**

Noted. The rules regarding family reunification for refugees, particularly persons with temporary protection status, were amended most recently in 2015 and 2016. The rules regarding family reunification with children were amended in 2012. Denmark finds its regulation in accordance with Denmark's international obligations.

**120.186**

Accepted in principle. Denmark finds its regulation on family reunification in accordance with Denmark's international obligations, including the right to family life. As the main rule refugees have the right to family reunification with their spouse/partner and children in Denmark if they cannot live together in for example the spouse/partner's country of origin. For foreigners with temporary protection status see response to 120.90.

**120.187, 120.191**

Noted. See response to 120.190.

**120.190**

Accepted. Foreigners with temporary protection status have the right to family reunification, but the right is in general postponed for 3 years in the light of the special temporary residence status. Exceptions to the postponement shall be made in all cases where Denmark's international obligations so require.

**120.192**

Noted. See response to 120.190. The purpose of the age limit is, inter alia, to ensure integration of the child.

**120.196**

Accepted in part. The first part, on adopting a legal framework to facilitate the granting of residence permits to child victims of trafficking is noted (See response to 120.125.) The second part, on granting citizenship to all children born in Denmark that otherwise would be stateless is accepted. (The current political agreement on naturalisation includes a specific chapter dedicated to stateless applicants born in Denmark covered by the 1961 UN Convention on Reduction of Statelessness and the 1989 UN Convention on the Rights of the Child.)

**120.197**

Accepted in principle. Substantive counter-terrorism initiatives have been launched since the 2015 attacks in Copenhagen. Once the effects of these are known, Denmark sees the merits of a general evaluation of Danish counter-terrorism efforts.

## The Faroes have responded to the following recommendations

**120.31, 120.32, 120.33**

Accepted. The Faroese Government is working on amending the Penal Code.

**120.41**

Accepted. The Faroes have appointed a task force to examine and make recommendations on National Human Rights Institution models that could fit the Faroese society.

**120.54**

Accepted. An independent mechanism defending the rights of children is already in place on the Faroes.

**120.142**

Accepted in principle. A proposal on amending the Marriage Law to allow same-sex marriages has been submitted to Parliament.

**120.159**

Accepted. The enrolment rates for primary and lower secondary schools are 100%.

## Greenland has responded to the following recommendations

**120.111**

Accepted. The Greenlandic Government has adopted an action plan to prevent and combat sexual violence and abuse of vulnerable people which is currently being implemented.

**120.118**

Accepted. The Government of Greenland has already taken measures to improve the overall quality and competences of the municipal case handling concerning children. An action plan for preventing substance abuse has been launched and rehabilitation centres will be established in all municipalities.

**120.159**

Accepted. The enrolment rates for primary and lower secondary schools are 100%.

**120.162**

Accepted.

**120.166**

Noted. According to the declaration, made by the Danish Government, acceded to by the Government of Greenland, in line with Denmark's ratification of the ILO Convention no. 169 on Rights of Indigenous and Tribal Peoples section 1, Denmark has only one indigenous people in the sense of the convention, namely the indigenous peoples in Greenland (the Inuit). Moreover, the Danish Supreme Court has ruled that the Thule Tribe does not constitute a tribal people or a distinct indigenous people within or co-existing with the Greenlandic people as a whole.